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10 Attorneys for Plaintiff and Counter-Claim Defendant  
11 FEDERAL INSURANCE COMPANY

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN JOSE DIVISION

15 FEDERAL INSURANCE COMPANY, an  
16 Indiana corporation,

17 Plaintiff,

18 vs.

19 ST. PAUL FIRE & MARINE INSURANCE  
20 COMPANY, a Minnesota corporation,

21 Defendant.

22 AND RELATED COUNTERCLAIM.

) Case No: C 05-01878 JW

) **STIPULATION AND [PROPOSED]**  
) **ORDER EXTENDING EXPERT**  
) **DISCOVERY DEADLINE**

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1           The parties hereto submit the following Stipulation and [Proposed] Order Extending  
2 Expert Discovery Deadline.

3           **WHEREAS,**

4           1.       The above-entitled action was filed by Federal Insurance Company ("Federal")  
5 against St. Paul Fire and Marine Insurance Company ("St. Paul") on May 6, 2005. A  
6 counterclaim was filed by St. Paul against Federal and National Union Fire Insurance Company  
7 of Pittsburgh, PA, ("National") on June 24, 2005.

8           2.       On July 12, 2006, this Court issued a Scheduling Order in this action which  
9 essentially adopted the schedule set forth in the parties' Joint Case Management Statement and  
10 Proposed Order without hearing.

11          3.       On January 2, 2008, this Court approved and issued a Stipulation and Order To  
12 Extend Certain Pretrial Dates and the Date of the Preliminary Pretrial and Trial Setting  
13 Conference ("1/2/08 Order"). The 1/2/08 Order scheduled the Preliminary Pretrial Conference  
14 in this action for April 14, 2008. The 1/2/08 Order also extended the expert discovery deadline  
15 to February 29, 2008.

16          4.       On January 25, 2008, this Court issued its "Order Granting Plaintiff's Motion  
17 for Partial Summary Judgment; Denying Defendant's Motion for Partial Summary Judgment"  
18 ("1/25/08 Order") on the parties' motions taken under submission on December 10, 2007.  
19 Since the issuance of the 1/25/08 Order, the parties have been considering their options based  
20 on the findings of the Order. For example, Federal recently filed a Motion for Leave to File a  
21 Motion for Reconsideration of the 1/25/08 Order.

22          5.       While the parties had effectively halted expert discovery pending receipt of the  
23 Court's 1/25/08 Order, the parties have determined to proceed with expert discovery and have  
24 noticed certain expert discovery depositions. However, due to pre-existing scheduling  
25 conflicts, the parties will be unable to complete expert discovery by the current expert  
26 discovery deadline of February 29, 2008.

27          6.       Accordingly, the parties request that this Court grant a final extension of the  
28 expert discovery deadline to March 28, 2008, to enable the parties to complete their expert

1 discovery. This extension will not impact any other scheduled date in this action, including the  
2 preliminary pretrial conference scheduled for April 14, 2008.

3 **NOW, THEREFORE,**

4 **IT IS HEREBY STIPULATED** that the expert discovery deadline be extended to  
5 **March 28, 2008** (formerly February 28, 2008).

6 **IT IS SO STIPULATED.**

7 Dated: February 20, 2008

NEWTON REMMEL

8  
9 By: 

10 Stephen L. Newton  
11 Gabriel G. Gregg  
12 Attorneys for Plaintiff and Counterclaim  
Defendant  
FEDERAL INSURANCE COMPANY

13 Dated: February 20, 2008

SQUIRE, SANDERS & DEMPSEY LLP

14 By: 

15 Marc J. Shrake  
16 Attorneys for Defendant and *GG (by permission)*  
Counterclaimant  
17 ST. PAUL FIRE AND MARINE  
INSURANCE COMPANY

18 Dated: February 20, 2008

BARGER & WOLEN LLP

19 By: 

20 Thomas Beer  
21 Attorneys for Counterclaim Defendant *GG (by permission)*  
22 NATIONAL UNION FIRE INSURANCE  
COMPANY OF PITTSBURGH, PA

23 **ORDER**

24 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

25  
26 February 21, 2008

  
27 JAMES WARE  
28 United States District Judge